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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/092,567

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Alexandre A. Pollak

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EXAMINER

KERNS, KEVIN P

ART UNIT

PAPER NUMBER

1725

DATE MAILED: 12/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary**Application No.**

10/092,567

Applicant(s)

POLLAKE ET AL.

Examiner

Kevin P. Kerns

Art Unit

1725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 33-49 is/are pending in the application.
- 4a) Of the above claim(s) 45-49 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 33-35, 37-41, 43 and 44 is/are rejected.
- 7) ☒ Claim(s) 36 and 42 is/are objected to.
- 8) ☒ Claim(s) 33-49 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 33, 35, 38, 39, 41, and 44 are rejected under 35 U.S.C. 102(b) as being anticipated by Doucet et al. (US 4,601,323).

Doucet et al. disclose a dual slide casting/molding machine, in which the machine 1 includes the following features: a machine base 2 mounted to a frame structure 3, with the machine base 2 and base plate 14 (mounting plates) supporting molds 58 having shanks 10, in which the molds 58 having cavities (5,6) and shanks 10 are slidingly engaged in guideways (20,22) secured by cap screws 24 serving as securing/clamping means, to be arranged in a perpendicular manner with respect to the translation of the shanks 10 (abstract; column 1, lines 1-68; column 2, lines 1-34 and 59-68; column 3, lines 1-68; column 4, lines 1-23; and Figures 1-12).

3. Claims 33, 35, 38, 39, 41, and 44 are rejected under 35 U.S.C. 102(e) as being anticipated (individually) by either CA 2 308 990 or Pollak et al. (US 6,334,479).

CA 2 308 990 and Pollak et al. individually disclose the following features: a mold section assembly (52a-d) and a slide section assembly (62,64a-d) for a multiple-slide die casting machine 20 that include mold sections (54a-d) having cavity portions, a mounting plate 22 secured to mold sections (54a-d), with the mounting plate 22 having connection means (61,110) to a leading end of a shank 58 (mounted to a slide and actuation mechanism) of the die casting machine 20 in a perpendicular manner, and securing means (62,64a-d) for securing/clamping (via ram 60 and clamping mechanism 78) the mounting plate 22 and the shank 58 (CA 2 308 990 – page 9, lines 9-31; and page 11, line 10 through page 17, line 19; US 6,334,479 – column 4, lines 58-67; column 5, lines 1-14 and 56-67; column 6, lines 1-67; column 7, lines 1-67; column 8, lines 1-51; and Figures 2-8 of both references).

The applied reference has a common assignee and common inventors with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 34, 37, 40, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over any one of Doucet et al. (US 4,601,323), CA 2 308 990, or Pollak et al. (US 6,334,479), in view of Salata (US 6,422,297).

Doucet et al., CA 2 308 990, and Pollak et al. individually disclose the features of claims 33 and 39 above. Neither Doucet et al., CA 2 308 990, nor Pollak et al. discloses an ejector mechanism or an adaptor plate.

However, Salata discloses an interchangeable die for a die casting machine, in which the die casting machine 10 includes an integral combination that includes a shank 26 secured to a die assembly 30, an ejector plate assembly 66 with ejector pins 70 and a hub 74, and an adaptor plate 50, in which the ejector plate assembly and adaptor plate are advantageous for separating the molds from the cast product and for precisely securing/engaging various die assemblies, respectively (abstract; column 2, lines 23-50; column 3, lines 16-67; column 4, lines 1-67; column 5, lines 1-43; and Figures 1-11).

It would have been obvious to one of ordinary skill in the art at the time the applicants' invention was made to modify the multiple-slide die casting machines of any one of Doucet et al., CA 2 308 990, or Pollak et al., by further adding both the ejector plate assembly and the adaptor plate, as taught by Salata, in order to separate the molds from the cast product and to precisely secure/engage various die assemblies, respectively (Salata; column 2, lines 23-50; column 4, lines 8-56; and column 5, lines 21-43).

Allowable Subject Matter

8. Claims 36 and 42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter (as set forth in the prior Office Action): the prior art fails to teach or suggest a mold section assembly (slide section) that includes a clamp fixed to a shank, such that the clamp has a lip portion having a surface slanted with respect to the direction of the sliding engagement between the mounting plate and the shank.

Response to Arguments

10. The examiner acknowledges the applicants' amendment received by the USPTO on October 24, 2003. The applicants' amendments overcome prior objections to the drawings, as well as to claims 37 and 43. Replacement drawings (Figures 1, 5-7, and 12, all of which overcome the prior drawing objections) are approved by the examiner. Claims 33-44 remain under consideration in the application, with non-elected claims 45-49 being withdrawn as elected without traverse.

11. Applicants' arguments filed October 24, 2003 have been fully considered but they are not persuasive.

With regard to the applicants' remarks/arguments on pages 9-11 of the amendment, the applicants' main argument is that the prior art references do not disclose a mold "having connection means so as to be slidably engaged to a leading end of a shank". The examiner respectfully disagrees, as Doucet et al. disclose molds 58 having shanks 10 which are drawn back from one another at what is considered to be a leading end of the shank (in particular, see column 3, lines 55-62; and Figures 7 and 8). In addition, the applicants' disclosure does not specifically set forth what portion of the structure is a "leading end", even in paragraphs [0073]-[0082] to which the applicants refer. The applicants' claim limitations are even more clearly set forth in CA 2 308 990 and Pollak et al. (US 6,334,479), as Figure 3 of both references show a leading end of slideable shank 58 attached to connection means 110 mounted on a mounting plate 22 (very similar drawings to those of the current application).

Regarding the rejections based on the ejector mechanism and adaptor plate, as discussed on the bottom of page 10 and top of page 11, Salata discloses an interchangeable die apparatus with an ejector plate assembly and adaptor plate. The Salata reference is deemed to cure the deficiencies of any of the three primary references (as taken individually) under 35 USC 103(a), as efficient mold separation from the cast product, as well as precise securing/engaging of various die assemblies, would be sought by one of ordinary skill in the art.

The examiner respectfully requests that the subsequent response of the applicants set forth further details of the structures in the apparatus, in particular the claim limitation "leading end", and clearly describe what structure(s) would overcome

the prior art (in addition to the allowable subject matter of claims 36 and 42). Regarding the rejections under 35 USC 102(e), the applicants are also referred to the last paragraph of section 3 above.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Salata and Pollak et al. references are newly cited to show related art.

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Kevin P. Kerns whose telephone number is (703)

Application/Control Number: 10/092,567
Art Unit: 1725

Page 9


305-3472. The examiner can normally be reached on Monday-Friday from 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on (703) 308-3318. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7718.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Kevin P. Kerns
Examiner
Art Unit 1725

KPK
kpk
November 26, 2003


M. ALEXANDRA ELVE
PRIMARY EXAMINER